

JUN 26 1997

In The

Supreme Court of the United States ^{CLERK}

OCTOBER TERM, 1996

In re:

DENISE RENÉE BEASLEY.

FIDELITY FINANCIAL SERVICES, INC.,

Petitioner,

vs.

RICHARD V. FINK, Trustee,

Respondent.

ON WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE EIGHTH CIRCUIT

JOINT APPENDIX

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**CHRONOLOGICAL LIST OF RELEVANT
DOCKET ENTRIES**

<u>Date</u>	<u>Proceedings</u>
11/18/94	Voluntary Petition all schedules and statements. Filing Fee: 160.00 RecNr: 86557 Num of Pgs: 15 (ys) [EOD 11/18/94] [94-43096]
11/18/94	First Meeting of Creditors Scheduled For 1:00 12/19/94 At Trustee's Office, Ste. 607 Last Day To Oppose Discharge: 2/17/95 (ys) [EOD 11/18/ 94]
11/22/94	Courts Certificate of Mailing Re: [0-0] First Meeting # of notices: 26. (ys) [EOD 11/22/94] [94-43096]
11/28/94	Notice of Appointment of Trustee, Bond Amt \$7,300,000 Gary D Barnes (kf) [EOD 11/30/94] [94-43096]
12/16/94	Notice of Appearance And Request For Service Of Notice By Michael P. Gaughan for Creditor Fidelity Financial Services, Inc. (dh) [EOD 12/19/94] [94-43096]
12/19/94	First Meeting Held and Examination of Debtor. (br) [EOD 12/21/94]
2/16/95	Motion by Debtor Denise Renee' Beasley To Convert Case From Chapter 7 to Chapter 13 (5) (br) [EOD 02/16/95] [94-43096]
2/16/95	Chapter 13 Plan. (br) [EOD 02/21/95] [94-43096]

2/16/95 Amended Schedules E,J And Certificate of Service. (br) [EOD 02/21/95] [94-43096]

2/21/95 Order Granting [5-1] Motion To Convert Case From Chapter 7 to Chapter 13 by Denise Renee' Beasley Trustee Gary D. Barnes terminated. (br) [EOD 02/21/95] [94-43096]

2/22/95 Certificate Of Service By Maureen Scully for Debtor Denise Renee' Beasley Of [7-1] Chapter 13 Plan. (mr) [EOD 02/22/95] [94-43096]

2/23/95 First Meeting of Creditors Scheduled For 9:00 3/30/95 At Trustee's Office, Ste. 607; Last Day to File Proofs Of Claim: 6/28/95 (ys) [EOD 02/23/95]

2/23/95 Courts Certificate of Mailing Re: [0-0] First Meeting # of notices: 28. (ys) [EOD 02/23/95] [94-43096]

2/28/95 Order For Employer: Ford Motor Co. To Pay Trustee \$77.00 weekly. (mb) [EOD 02/28/95] [94-43096]

3/8/95 Case Reassigned. Involvement of Judge Karen M. See Terminated. Judge Frank Koger in 94-43096 Assigned. (dh) [EOD 03/08/95] [94-43096]

3/30/95 Objection By Creditor Fidelity Financial Services, Inc. To Confirmation Of Plan. (mb) [EOD 03/30/95] [94-43096]

3/30/95 Hearing Re: [12-1] confirmation of plan Objection by Fidelity Financial Services, Inc. schd For 9:00 5/8/95 at Rm 927, Kansas City (mb) [EOD 03/30/95] [94-43096]

3/30/95 First Meeting Held and Examination of Debtor. (mb) [EOD 04/12/95]

4/3/95 Trustee's Report of No Distribution and Notice of Intent to Abandon By Trustee Gary D. Barnes. (mb) [EOD 04/04/95] [94-43096]

4/19/95 Motion By Creditor Housing and Urban Dev. For Relief From Stay regarding real property. RecNr: none (mb) [EOD 04/20/95] [94-43096]

4/20/95 Notice and Order Setting hearing on [14-1] Motion For Relief From Stay regarding real property by Housing and Urban Dev.; Objections due by 5/4/95; Hearing scheduled for 9:00 5/8/95 at Rm 927, Kansas City (mb) [EOD 04/20/95] [94-43096]

5/5/95 Order Granting [14-1] Motion For Relief From Stay regarding real property by Housing and Urban Dev. (mb) [EOD 05/05/95] [94-43096]

5/8/95 Hearing Held Re: [12-1] confirmation of plan Objection by Fidelity Financial Services, Inc. Consent order regarding stay. Special setting for objection to confirmation. Court to do notice. (td) [EOD 05/08/95] [94-43096]

5/8/95 Joint Stipulation and Order Granting [14-1] Motion For Relief From Stay regarding real property by Housing and Urban Dev. (td) [EOD 05/08/95] [94-43096]

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5/8/95 Application By Trustee Richard Fink To Employ UAW Legal Services Plan as special counsel for Trustee. (td) [EOD 05/08/95] [94-43096]

5/8/95 Declaration by Maureen Scully in Support To [18-1] Application To Employ UAW Legal Services Plan as special counsel for Trustee by Richard. (td) [EOD 05/08/95] [94-43096]

5/8/95 Order Granting [18-1] Application To Employ UAW Legal Services Plan as special counsel for Trustee by Richard Fink (td) [EOD 05/08/95] [94-43096]

5/9/95 Hearing Re: [12-1] confirmation of plan Objection by Fidelity Financial Services, Inc. schd For 9:00 6/9/95 at Rm 927, Kansas City (mb) [EOD 05/09/95] [94-43096]

6/6/95 Complaint (95-4081) Denise R. Beasley vs. Fidelity Financial Services, Inc. NOS 454 Recover Money/Property Receipt # (dc) [EOD 06/06/95] [95-4081]

6/6/95 Trustee's Application to Defer Filing Fees and Order. (95-4081) (dc) [EOD 06/06/95] [95-4081]

6/9/95 Stipulation by and between Creditor Fidelity Financial Services, Inc., Debtor Denise Renee' Beasley For adequate protection payments and payment of sales tax preconfirmation settling [12-1] confirmation of plan Objection by Fidelity Financial Services, Inc. (mb) [EOD 06/09/95] [94-43096]

5a

6/9/95 Order Granting [21-1] stipulation by Denise Renee' Beasley, Fidelity Financial Services, Inc. allowing debtor to pay 919.22 dollars for sales taxes Document [12-1] terminated. (mb) [EOD 06/09/95] [94-43096]

6/9/95 Hearing Held Re: [12-1] confirmation of plan Objection by Fidelity Financial Services, Inc. Stipulation filed, debtor to pay sales taxes and allow adequate protection. (mb) [EOD 06/09/95] [94-43096]

7/14/95 Disposition of Adversary (95-4081) Granting [1-1] Complaint NOS 454 Recover Money/Property (sw) [EOD 07/14/95] [95-4081]

7/14/95 Adversary Case (95-4081) Closed. (sw) [EOD 07/14/95] [95-4081]

7/25/95 Clerk's Judgment For Plaintiff Richard V. Fink in 95-04081 Against Defendant Fidelity Financial Services, Inc. in 95-04081 (mb) [EOD 07/25/95] [94-43096 95-4081]

8/28/95 AMENDED Clerk's Judgment For Plaintiff Richard V. Fink in 95-04081 Against Defendant Fidelity Financial Services, Inc. in 95-04081. IT is ordered and adjudged the Chapter 13 Trustee's request for relief in is complaint is Granted. Fidelity Financial Services lien is set aside as a voidable preference. The foregoing Memorandum Opinion constitutes Findings of Fact and Conclusions of Law as required by Rule 7052, Rules of Bankruptcy. (mb) [EOD 08/28/95] [94-43096 95-4081]

9/6/95 TRANSMITTAL of Record on Appeal BK No 94-43096-13 APP 95-4081-13 Bankruptcy Record on Appeal (rt)

9/6/95 NOTICE RE: BANKRUPTCY APPEAL; appellant's brief due 9/21/95 (rt)

9/8/95 Request By Trustee Richard Fink For Hearing Re: [7-1] Chapter 13 Plan. (mb) [EOD 09/08/95] [94-43096]

9/8/95 Hearing Re: [7-1] Chapter 13 Plan Confirmation Hearing scheduled 9:00 10/16/95 at Rm 927, Kansas City (mb) [EOD 09/08/95] [94-43096]

9/8/95 Courts Certificate of Mailing Re: [0-0] Hearing # of notices: 32. (mb) [EOD 09/08/95] [94-43096]

9/13/95 Motion By Creditor Fidelity Financial Services, Inc. To Stay [24-1] Judgment Order, [23-1] Judgment Order pending appeal, and for trustee to hold all plan payments until final order. (mb) [EOD 09/14/95] [94-43096]

9/15/95 ORDER: by Judge D. B. Bartlett: reassigning this case to Judge Ortrie D. Smith (cc: all counsel) (dh)

9/18/95 Hearing Re: [27-1] Motion To Stay [24-1] Judgment Order, [23-1] Judgment Order pending appeal, and for trustee to hold all plan payments until final order by Fidelity Financial Services, Inc. Scheduled For 9:00 10/16/95 at Rm 927, Kansas City (va) [EOD 09/18/95] [94-43096]

9/19/95 MOTION by defendant/appellant Fidelity Financial to extend time to file appeal w/sugg (gk) [Entry date 09/20/95]

9/26/95 ORDER by Judge Ortrie D. Smith granting motion to extend time to file appeal [4-1] to 10/11/95 (cc: all counsel) (gk) [Entry date 09/28/95]

10/11/95 BRIEF FILED by defendant/appellant Fidelity Financial (gk)

10/16/95 Hearing Held Re: [27-1] Motion To Stay [24-1] Judgment Order, [23-1] Judgment Order pending appeal, and for trustee to hold all plan payments until final order by Fidelity Financial Services, Inc. [7-1] Chapter 13 Plan. P.O. Confirming R.F, trustee to hold money pending appeal, Order entered staying judgment; Objection to confirmation by Fidelity MOOT. (mb) [EOD 10/17/95] [94-43096]

10/16/95 Order Granting [27-1] Motion To Stay [24-1] Judgment Order, [23-1] Judgment Order pending appeal, and for trustee to hold all plan payments until final order by Fidelity Financial Services, Inc. (mb) [EOD 10/17/95] [94-43096]

10/17/95 Courts Certificate of Mailing Re: [28-1] Order # of notices: 32. (mb) [EOD 10/17/95] [94-43096]

10/24/95 MOTION by plaintiff/appellee Richard V Fink to extend time to file appellee's brief (dh) [Entry date 10/25/95]

10/26/95 Order Confirming Chapter 13 Plan as ORALLY amended 3/30/95. (mb) [EOD 10/26/95] [94-43096]

10/26/95 Courts Certificate of Mailing Re: [30-1] chapter 13 plan Order # of notices: 32. (mb) [EOD 10/26/95] [94-43096]

10/27/95 ORDER by Judge Ortrie D. Smith granting appelle Richard F. Fink motion to extend time to file appellee's brief [7-1] until 11/15/95 (cc: all counsel) (gk) [Entry date 10/30/95]

11/15/95 BRIEF FILED by interested party Richard V Fink (dh) [Entry date 11/16/95]

11/30/95 Order, and motion To Allow Claims as filed Objections due within 20 days. (mb) [EOD 11/30/95] [94-43096]

11/30/95 Courts Certificate of Mailing Re: [32-2] Order # of notices: 30. (mb) [EOD 11/30/95] [94-43096]

12/19/95 Objection By Debtor Denise Renee' Beasley To Claim of Jackson Co Water Dist #1 (ds) [EOD 12/20/95] [94-43096]

12/19/95 Objection By Debtor Denise Renee' Beasley To Claim of American Ntl Insurance (ds) [EOD 12/20/95] [94-43096]

12/19/95 Objection By Debtor Denise Renee' Beasley To Claim of JC Penney (ds) [EOD 12/20/95] [94-43096]

12/19/95 Objection By Debtor Denise Renee' Beasley To Claim of MO Guaranteed Student Loan (ds) [EOD 12/20/95] [94-43096]

12/19/95 Objection By Debtor Denise Renee' Beasley To Claim of World Financial Ntwk (ds) [EOD 12/20/95] [94-43096]

12/20/95 Hearing Re: [38-1] Claims Objection Claim of World Financial Ntwk by Denise Renee' Beasley schd For 9:00 1/22/96 at Rm 927, Kansas City, [37-1] Claims Objection Claim of MO Guaranteed Student Loan by Denise Renee' Beasley schd For 9:00 1/22/96 at Rm 927, Kansas City, [36-1] Claims Objection Claim of JC Penney by Denise Renee' Beasley schd For 9:00 1/22/96 at Rm 927, Kansas City, [35-1] Claims Objection Claim of American Ntl Insurance by Denise Renee' Beasley schd For 9:00 1/22/96 at Rm 927, Kansas City, [34-1] Claims Objection Claim of Jackson Co Water Dist #1 by Denise Renee' Beasley schd For 9:00 1/22/96 at Rm 927, Kansas City (ds) [EOD 12/20/95] [94-43096]

1/22/96 Hearing Held Re: [38-1] Claims Objection Claim of World Financial Ntwk by Denise Renee' Beasley, [37-1] Claims Objection Claim of MO Guaranteed Student Loan by Denise Renee' Beasley, [36-1] Claims Objection Claim of JC Penney by Denise Renee' Beasley, [35-1] Claims Objection Claim of American Ntl Insurance by Denise Renee' Beasley, [34-1] Claims Objection Claim of Jackson Co Water Dist #1 by Denise Renee' Beasley. Orders allowing objections. (sw) [EOD 01/22/96] [94-43096]

1/22/96 Order Granting [34-1] Claims Objection Claim of Jackson Co Water Dist #1 by Denise Renee' Beasley. Claim is disallowed. (sw) [EOD 01/22/96] [94-43096]

1/22/96 Order Granting [35-1] Claims Objection Claim of American Ntl Insurance by Denise Renee' Beasley. Claim is disallowed. (sw) [EOD 01/22/96] [94-43096]

1/22/96 Order Granting [36-1] Claims Objection Claim of JC Penney by Denise Renee' Beasley. Claim is disallowed. (sw) [EOD 01/22/96] [94-43096]

1/22/96 Order Granting [37-1] Claims Objection Claim of MO Guaranteed Student Loan by Denise Renee' Beasley. Claim is disallowed. (sw) [EOD 01/22/96] [94-43096]

1/22/96 Order Granting [38-1] Claims Objection Claim of World Financial Ntwk by Denise Renee' Beasley. Claim is disallowed. (sw) [EOD 01/22/96] [94-43096]

1/22/96 ORDER by Judge Ortrie D. Smith denying pla's appeal motion Bankruptcy Record on Appeal [1-1] the Bankruptcy Court's decision in this case is affirmed and terminating case (cc: all counsel) (kg)

2/5/96 CERTIFICATE by defendant/appellant Fidelity Financial of service of copy of ntc of appeal to US Ct of Appeals for the 8th Cir (jg2) [Entry date 02/07/96]

2/9/96 CLERK'S JUDGMENT that the Bankruptcy Court's decision in this case is Affirmed Entered on: 2/9/96 (cc:All Counsel) (dh)

2/9/96 NOTICE OF APPEAL by defendant/appellant Fidelity Financial from Dist. Court decision [12-1] Filed 2/9/96 Entered 2/9/96 Paid \$ 105.00 Rct. # 106195 (kp) [Entry date 02/13/96]

2/14/96 Delivered to USCA 2 ctfd cpys of appeal ntc and dkt entries; 2 cpys of Ord fld: and Jgm fld: and NOA Supplement (cc: attys and Judge) (kp) [Entry date 02/21/96]

2/20/96 Bankruptcy Case Docketed Dist. Ct. Office: Kansas City (11b)

2/20/96 CERTIFIED copies notice of appeal, docket entries, [96-1430] and judgment of 1/22/96 from district court[675713] (11b)

2/20/96 BRIEFING SCHEDULE: [96-1430] Method of Apndx due on 3/1/96; DR aplnt due on 3/1/96; Aplee DR due on 3/11/96; Joint Apndx due on 4/1/96; Aplnt brief due on 4/1/96; Aplee brief due on 5/1/96; Reply brief due on 5/15/96; (lib)

2/26/96 Notification by Circuit Court of Appellate Docket Number 96-1430 (kp)

3/1/96 APPEARANCE for appellant, attorney Michael P. Gaughan [96-1430] [680480] (11b)

3/1/96 DESIGNATION of record received from Appellant Fidelity Financial. Type of appendix: joint [96-1430] (rla)

3/1/96 REMARKS: No transcripts necessary. [96-1430] (rla)

3/11/96 APPEARANCE for appellee, attorney Maureen A. Scully [96-1430] [684205] (11b)

4/1/96 BRIEF FILED - Brief of Appellant - Fidelity Financial 19 pgs w/addendum - 10 copies - w/ service 3/28/96. Defects: summ. and req. of oral erg., summ. of erg., [96-1430] [692508] (rla)

4/1/96 RECORDS received: Joint Appendix, consisting of one Volume(s) 3 copies. [96-1430] (rla)

4/30/96 BRIEF FILED - Brief of Appellee - Richard V. Fink. 15 pgs w/addendum - 10 copies - w/service 4/29/96. [96-1430] [703542] (rla)

5/3/96 TO SCREENING - to dcm. [96-1430] [705555] (smg)

5/8/96 RETURNED from Screening - NO ARGUMENT. [96-1430] (smg)

5/10/96 No Arg letter sent to counsel. [96-1430] (smg)

10/7/96 SUBMITTED ON THE BRIEFS without oral argument to Judges C. A. Beam, David R. Hansen, Morris S. Arnold. [96-1430] (dmh)

11/2/96 Case Reassigned to Judge Arthur Federman in 94-43096 (bcap) [EOD 11/02/96] [94-43096]

11/27/96 THE COURT: C. A. Beam, David R. Hansen, Morris S. Arnold . PER CURIAM OPINION FILED: UNPUBLISHED [96-1430] [784830] (mjh)

11/27/96 JUDGMENT: C. A. Beam, David R. Hansen, Morris S. Arnold : The judgment of the lower court is AFFIRMED in accordance with the opinion. [96-1430] [784831] (mjh)

12/4/96 JUDGE ORDER: It is hereby ordered at the direction of the court that the unpublished per curiam opinion filed on November 27, 1996, be published. [787110] (mjh)

12/18/96 MANDATE ISSUED [96-1430] (mjh)

12/23/96 CERTIFIED copy of judgment and order from USCA ORDERED THAT affirming the decision of the District Court [13-1]; Mandate issued: 12/18/96; Appeal record due 1/22/97 (cc: all counsel) (mm) [Entry date 12/24/96]

12/26/96 RECEIPT for Mandate. [96-1430] [795439] (mjh)

3/3/97 U.S. Supreme Court notice regarding petition for writ of certiorari. Filed in the Supreme Court on 2/25/97. Supreme Ct. Case No. 96-1370 [96-1430] [820253] (mjh)

5/15/97 Notification from Supreme Court dated 5/12/97 stating that they had entered an order granting Supreme Court notice for certiorari [820253-1] [96-1430] [853272] in Sup. Ct. No. 36-1370. [96-1430] (mjh)

14a

5/19/97

WRIT of certiorari was filed in the U.S. Supreme Court and has been granted The Supreme Court No. is 96-1370 (kp)